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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,635	01/24/2001	Fred Rheinlander	TRM-DV2412-RE	1753

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MANCHESTER, NH 03101

EXAMINER

FLEMING, FAYE M

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 04/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/768,635

Applicant(s)

RHEINLANDER ET AL.

Examiner

Faye Fleming

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-106 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-106 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**FINAL ACTION**

**Acknowledgment**

1. The amendment filed January 22, 2002 has been entered and acknowledged.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or  
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1-3, 13-15, 52, 53, 55, 65-67, 88, 95, 102 and 105 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamasaki, et al ('752).

Yamasaki, et al discloses a skin for an automotive interior panel including an air bag deployment portion comprising a main body skin portion 13 having a first plastic material, an air bag cover skin portion 14 having a second plastic material having the property of remaining substantially more ductile with decreasing temperature the first plastic material, a bond 15 attaching the main body skin portion to the air bag cover skin portion, and an air bag deployment region disposed with the air bag cover skin portion which is adapted to open with the air bag deployment door in response to the force of an inflating air bag (See Col. 4, lines 1-20). With respect to the "glass transition temperature", the applicant's first plastic material is a drysol which is a proprietary

formulation of a PVC and the second plastic material is a polyurethane compound as described in the specification on page 6, lines 32-47. Yamasaki, et al discloses the first plastic material as a polyvinyl which has the same properties as drysol and the second plastic material as a olefin thermoplastic elastomer which has same properties of polyurethane, therefore the second plastic material comprises a glass transition temperature lower than a glass transition temperature of the first plastic material. As shown in Figure 1, a portion of the bond is a tear seam 16 wherein the tear seam defines a groove in the back side of the air bag cover skin portion. The air bag cover skin portion includes an integral tear seam strip 18, as shown in Figure 1. As shown in Figure 2, the main body skin portion comprises an opening d having an edge. *Regarding claims 88, 95, 102 and 105*, Yamasaki, et al teaches the method of forming a skin for an automotive panel.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-11, 16-36, 38-45, 47-51, 54, 56-63, 68-87, 89-93, 96-101, 103, 104 and 106 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamasaki, et al ('752).

*Regarding claims 4-11, 54 and 56-63*, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the bond of

Art Unit: 3618

Yamasaki, et al include the materials as claimed by the applicant to provide reliable adhesive properties, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

*Regarding claims 16-22 and 68-74*, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the tear seam strip of Yamasaki, et al include the materials as claimed by the applicant to provide durability for the tear seam, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

*Regarding claims 23-27 and 75-79*, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the first plastic material of Yamasaki, et al include the materials as claimed by the applicant to provide additional strength for the main body, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

*Regarding claims 28-34 and 80-86*, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the second plastic material of Yamasaki, et al include the materials as claimed by the applicant to provide additional flexibility for deployment of the air bag, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

Art Unit: 3618

*Regarding claims 35, 51, 87 and 106*, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a coat of paint cover the outer surface of both the skin portions and the bond and the tear seam of Yamasaki, et al to provide a decorative look, since adding a coat of paint would not change the function of the device.

*Regarding claims 36, 38-45, 47-50, 89-93, 96-101, 103 and 104*, a method of forming the main body skin portion of an automotive interior panel by casting a first plastic material against a first surface area of a heated shell tool to form a first plastic skin casting to the desired shape, forming the air bag body skin portion of an automotive interior panel by casting a second plastic material against a second surface area of a heated shell tool bounded by a first surface area to form a second plastic skin casting to the desired shape, forming a bond, spraying a plastic, scoring, pressing, melt fusing, and using a laser beam would have been obvious to one having ordinary skill in the art at the time the invention was made, since it has been held that the method of forming the device is not germane to the issue of patentability of the device itself, nevertheless, i.e. casting, spraying, scoring, pressing, melt fusing and using a laser beam is conventional and well known in the art.

6. Claims 12, 37, 46, 64 and 94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamasaki, et al ('752) in view of Gray, et al ('935).

Yamasaki, et al discloses the claimed invention except for an overlap of the first plastic material and the second plastic material. Gray, et al teaches an overlap of the first plastic material and the second plastic material, as shown in Figures 4-8. Based on the teachings of Gray, et al, it would have been obvious to one having ordinary skill in

Art Unit: 3618

the art at the time the invention was made have the first plastic material and the second plastic material of Yamasaki overlap to provide an additional bonding agent for the air bag deployment portion of the automotive interior panel.

*Regarding claims 37, 46 and 94*, as mentioned above the method of casting and melt fusing the overlap would have been obvious to one having ordinary skill in the art at the time the invention was made, since it has been held that the method of forming the device is not germane to the issue of patentability of the device itself, nevertheless, i.e. casting and melt fusing is conventional and well known in the art.

### ***Response to Arguments***

7. Applicant's arguments filed January 22, 2002 have been fully considered but they are not persuasive. The applicant argues Yamasaki, et al ('752) discloses an airbag cover having multiple layers wherein the layers are the same at every point in the instrument panel and at the airbag opening. The Yamasaki, et al reference teaches the claimed invention; the applicant claiming "the main body skin portion adapted to cover at least a portion of the automotive interior panel" and "an air bag cover skin portion adapted to cover the air bag deployment portion" does not preclude the multiple layers of Yamasaki, et al covering every point of the instrument panel. With respect to the properties of the layers, Yamasaki, et al multiple layers are made from different materials and as a result the materials have different properties. The layers are the same at every point meaning the length and the width, please refer to Col. 4, lines 16-20 of the Yamasaki, et al reference.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Fleming whose telephone number is (703) 305-0209. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-2571 for regular communications and (703) 308-2571 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Application/Control Number: 09/768,635

Page 8

Art Unit: 3618

Faye Fleming  
Examiner  
Art Unit 3618

*Faye Fleming*  
04/22/02

fmf  
April 22, 2002

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